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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAJVINDER SINGH,	)	
	)	No. C 07-4772 JW
Plaintiff,	)	
	)	
v.	)	<b>ANSWER</b>
	)	
MICHAEL CHERTOFF, Secretary of	)	
Homeland Security; EMILIO T. GONZALES,	)	
Director of the U.S. Citizenship and Immigration	)	
Services; ROSEMARY MELVILLE, District	)	
Director, U.S. Citizenship and Immigration	)	
Services; FRANCIS D. SICILIANO, Officer in	)	
Charge of the San Jose Office of the U.S.	)	
Citizenship and Immigration Services,	)	
	)	
Defendants.	)	
	)	

The Defendants hereby submit their answer to Plaintiff's Complaint for Declaratory Judgment of Naturalization Under 8 U.S.C. § 1447(b), 1421(c) and for Equal Access to Justice Act Under 5 U.S.C. 504 and 28 U.S.C. 2412.

**FIRST CAUSE OF ACTION**

1. Defendants are without sufficient information to admit or deny the allegations in Paragraph One, and on that basis, deny them.

2. Defendants admit the allegations in Paragraph Two.

3. Paragraph Three consists of Plaintiff's allegation regarding jurisdiction, to which no responsive

pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph Three.

4. Defendants are without sufficient information to admit or deny the allegation in Paragraph Four, and on that basis, deny it.

5. Defendants are without sufficient information to admit or deny the allegations in Paragraph Five, and on that basis, deny them.

6. Defendants are without sufficient information to admit or deny the allegations in Paragraph Six, and on that basis, deny them.

7. Paragraph Seven consists of Plaintiff's characterizations of the lawsuit to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny the allegations in Paragraph Seven.

8. Paragraph Eight consists of Plaintiff's characterizations of the lawsuit to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny the allegations in Paragraph Eight.

9. Defendants deny the allegations in Paragraph Nine.

The remaining paragraphs consists of Plaintiff's prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny these paragraphs.

#### **FIRST AFFIRMATIVE DEFENSE**

The Court lacks jurisdiction over the subject matter of this action.

#### **SECOND AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim against the Defendants upon which relief can be granted.

#### **THIRD AFFIRMATIVE DEFENSE**

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiff.

#### **FOURTH AFFIRMATIVE DEFENSE**

At all times alleged in the complaint, Defendants were acting with good faith, with justification, and pursuant to authority.

**FIFTH AFFIRMATIVE DEFENSE**

The Defendants are processing the application referred to in the Complaint to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Date: November 20, 2007

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

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/s/  
MELANIE L. PROCTOR  
Assistant United States Attorney  
Attorneys for Defendants